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SUMMARY RECORD OF THE 348th MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 8 January 1997, at 3 p.m.

Chairperson: Mrs. BELEMBAOGO

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The meeting was called to order at 3.05 p.m.

COOPERATION WITH OTHER UNITED NATIONS BODIES, SPECIALIZED AGENCIES AND OTHER COMPETENT BODIES (agenda item 6)

1. The CHAIRPERSON invited the representatives of the United Nations Children's Fund (UNICEF) to report on the work of that organization, with particular reference to the International Code of Marketing of Breast Milk Substitutes.

2. Ms. MILLER (United Nations Children's Fund) said that the idea of meeting the Committee had largely arisen from the new mission statement for UNICEF to the effect that it should be guided in all aspects of its work by the Covenant on the Rights of the Child. Members of the staff of the UNICEF Nutrition Section had given some thought to the ways in which their work on breast-feeding and nutrition issues related to that on the rights of the child. It was to be hoped that the discussion would prove mutually beneficial and that the Committee would be able to assist in promoting the cause of breast-feeding and the implementation of the International Code of Marketing of Breast Milk Substitutes.

3. Ms. LHOTSKA (United Nations Children's Fund) illustrating her presentation by means of transparencies, outlined the well-known benefits of breast-feeding in terms of cost, nutrition and the better health of the mother and the infant resulting inter alia from greater protection against infection. Recent research had highlighted the disadvantages of artificial breast-milk substitutes, even for infants in the industrialized countries, such as the increased risk of acute and lifelong chronic illnesses and slower mental development. The risk levels were, of course, considerably higher in the developing countries.

4. It was worth noting that, in the developed world, artificial feeding was linked to high rates of sudden infant death syndrome (SIDS) and a greater risk of infant mortality in general as well as to increased risk of cancer and anaemia among mothers. Moreover, it had been proved that there was little difference between the breast milk of well-nourished and malnourished mothers and that supplementing the mother's diet was always preferable to resorting to artificial feeding.

5. The information available clearly indicated that it was essential to create conditions for successful breast-feeding, as recognized in many international instruments, including the 1990 Innocenti Declaration on the Protection, Promotion and Support of Breast-feeding. UNICEF and the World Health Organization (WHO) were actively involved in assisting Governments to meet the four targets set in that Declaration.

6. A significant degree of success had been achieved in improving attitudes in hospitals worldwide through the Baby-friendly hospital initiative. However, changes in the health-care system would not suffice. The confidence of the mother was a key factor in the breast-feeding process and could easily be harmed by the inappropriate marketing of substitute products. Hence the

emphasis placed on protecting women from such campaigns through the implementation of the International Code of Marketing of Breast Milk Substitutes.

7. Mr. CLARK (United Nations Children's Fund) said that the UNICEF Nutrition Section had adopted a new approach to its work which focused on rights rather than needs. In connection with its work on the International Code of Marketing of Breast Milk Substitutes and through its cooperation with WHO and other agencies, it had developed expertise and tools which might prove useful in promoting the rights enshrined in the Covenant and in assisting Governments to honour their obligations thereunder. The Committee's views on that issue would be most welcome.

8. By way of background information, he said that it was the Joint WHO/UNICEF Meeting on Infant and Young Child Feeding held in 1979 which had first highlighted the need for international regulations for the marketing of breast-milk substitutes. As shown by the statement and recommendations adopted at that Meeting, the participants had recognized the benefits of breast-feeding and the responsibility of society to promote it and had also identified misinformation as one of the main obstacles to be overcome in the attainment of better health and nutrition.

9. As a result, the International Code had been adopted two years later by the Thirty-Fourth World Health Assembly. However, because the Code had been adopted in the form of a recommendation rather than a regulation, it was not binding on Governments, which were merely urged to translate it into their national legislation (art. 11.1). Furthermore, although the World Health Assembly had called upon industry to comply with the provisions of the Code (art. 11.3), experience had shown that industry was not prepared to do so in the absence of enforceable legislation.

10. The aims of the Code included the protection of the right of every child to adequate nourishment and health, it being recognized that breast-feeding afforded the best means of providing the ideal food and was an important aspect of primary health care. That right was to be protected by ensuring that breast-milk substitutes should not be marketed in the same way as other food products in order to safeguard mothers against misleading information or advertising. It was essential that parents should be made fully aware of the benefits of breast-feeding and the risks of artificial feeding before making their choice.

11. He drew attention in that connection to article 24 of the Convention, which recognized the right of the child to the enjoyment of the highest attainable standard of health and called upon States parties to take appropriate measures inter alia to combat disease and malnutrition and to create greater awareness of the advantages of breast-feeding. The framers of the Convention had clearly recognized the benefits of breast-feeding and its role in attaining the highest possible standard of health. That was thus an area in which the basic thrust of the Code and the Convention overlapped.

12. The International Code exhibited links with a number of other international instruments, including the 1990 Innocenti Declaration on the Protection, Promotion and Support of Breast-feeding, which had subsequently

been endorsed by the World Health Assembly and the UNICEF Executive Board. One of the operational targets of the Declaration had been that, by the year 1995, all Governments should have taken action to give effect to the principles and aims of all the articles of the International Code and subsequent relevant World Health Assembly resolutions in their entirety. That target had not been achieved: member States had merely been urged to implement the International Code and many had not done so.

13. At the close of the 1990 World Summit for Children, the Plan of Action for Implementing the World Declaration on the Survival, Protection and Development of Children in the 1990s had called for the empowerment of all women to breast-feed their children exclusively for four to six months and to continue breast-feeding, with complementary food, well into the second year.

14. The World Declaration and Plan of Action for Nutrition, arising out of the 1992 International Conference on Nutrition, had pledged to reduce substantially within the decade social and other impediments to optimal breast-feeding. Article 33 of the Plan of Action specified that Governments, in cooperation with all concerned parties, should prevent food-borne and water-borne diseases and other infections in infants and young children by encouraging and enabling women to breast-feed exclusively during the first four to six months of their children's lives.

15. The Platform for Action from the Fourth World Conference on Women (Beijing, 1995) had called for the promotion of public information on the benefits of breast-feeding, the implementation of the International Code, and the facilitation of breast-feeding by working women.

16. The World Health Assembly had also periodically adopted resolutions on infant and young child nutrition, calling the attention of member States to their duty to implement the International Code, and at times closing loopholes that had been revealed in the drafting of the Code. Copies of the relevant resolutions had been circulated to the members of the Committee.

17. Lastly, although the 1979 Convention on the Elimination of All Forms of Discrimination against Women had predated the joint WHO/UNICEF Meeting on Infant and Young Child Feeding, there were a few places in which it touched upon the issue of breast-feeding. Article 10, subparagraph (h), referred to access to specific educational information to help to ensure the health and well-being of families, including information and advice on family planning; while article 12, paragraph 2, required States parties to ensure to women appropriate services in connection with pregnancy, confinement and the post-natal period, granting free services where necessary, as well as adequate nutrition during pregnancy and lactation.

18. The International Code sought to protect parents and children from false information by means of various provisions. It placed the responsibility on Governments to ensure that objective and consistent information was provided on infant and young child feeding; it prohibited the advertising of breast-milk substitutes, feeding bottles and teats, the provision of free samples to mothers, their families and health workers, the promotion of products in health-care facilities (including free and low-cost supplies), visits to mothers by company sales representatives, and the use of words or

pictures idealizing artificial feeding on the labels of products. Information provided to health workers must be scientific and factual; information on infant feeding should explain the benefits of breast-feeding and the costs and hazards associated with artificial feeding; and unsuitable products, such as sweetened condensed milk, should not be promoted for babies.

19. The Code thus attempted to halt the direct or more insidious promotion of artificial products as equivalent or superior to breast milk and the promotion of breast-milk substitutes by companies through the health-care system - a device whereby a negligible outlay on the provision of two or three days' supply of infant formula often secured a captive market over a period of six months or more.

20. As to the state of implementation of the Code throughout the world, only 18 countries had incorporated all or most of the provisions of the Code into their domestic legal systems. Factors impeding the attainment of the target of universal adoption by 1995 included the fact that many Governments simply did not see implementation as a high priority; and opposition to legislation from industry, as exemplified by successful attempts to block legislation in Guatemala and India.

21. UNICEF worked with a number of major partners in seeking to secure implementation of the Code, including WHO, the International Baby Food Action Network (IBFAN), and the Malaysia-based International Code Documentation Centre (ICDC). ICDC organized training courses for government officials, and had drafted a model law, copies of which had been circulated to the members of the Committee, to assist countries wishing to incorporate the International Code into their legal systems.

22. UNICEF could also, on request, provide direct assistance to countries in drafting legislation. It was ready and willing to work with Governments on the issue, and believed that the Committee could play a valuable role in raising the question of implementation of the International Code with individual Governments in the context of its consideration of their reports, as well as informing Governments of the technical assistance available to them in that regard.

23. The CHAIRPERSON thanked the delegation of UNICEF for its statements and invited the members of the Committee to ask supplementary questions.

24. Mr. KOLOSOV asked which countries were the main manufacturers and exporters of breast-milk substitutes. There was a growing trend in urban areas for lactating mothers to work, yet maternity leave was usually granted for a period of only two to four months, so that it was unrealistic for those mothers to continue to breast-feed beyond that period. Environmental effects also militated against continued breast-feeding. He wondered, therefore, whether it was really advisable to prohibit the advertising of officially approved breast-milk substitutes, given that mothers might then have recourse to more harmful unofficial substitutes.

25. The CHAIRPERSON suggested that UNICEF local offices might be encouraged to provide the Committee with fuller information on breast-feeding in the

various UNICEF programme countries, in order to assist it in its formulation of questions and recommendations to States parties.

26. It was important to acknowledge that some situations existed in which breast-feeding was impossible. She could confirm from her personal experience that non-governmental organizations (NGOs) tended to show more interest than Governments in implementing the International Code. She had participated in a national awareness campaign in her own country, Burkina Faso, which had revealed a significant decline in breast-feeding even in rural areas. The campaign in Burkina Faso had succeeded in increasing the time allocated to mothers for breast-feeding in the workplace from one hour to one and a half hours daily over a period of 15 months - a small victory, but one that had very significant implications for wage costs in a country with limited resources.

27. In addition to bringing domestic regulations into line with the provisions of the Code, it would perhaps be even more fruitful to look at ways of actively promoting breast-feeding through various back-up measures, such as the provision of nursery facilities in the workplace. To that end, cooperation with ministries of health and social affairs could usefully be broadened to include cooperation with ministries of labour.

28. Lastly, she had heard it asserted that there was a 50 per cent risk of a HIV-positive mother transmitting the infection to her child through breast-feeding. Could the representatives of UNICEF confirm or correct that figure?

29. Mrs. KARP asked what effect the recommendations contained in the International Code might have on the recent social tendency for fathers to play a more active role in caring for infants.

30. Mr. CLARK (United Nations Children's Fund) said that the main manufacturers of breast-milk substitutes were to be found in the United States of America, Europe and Japan. It was for that reason that implementation of the Code had been unduly delayed in those countries and areas.

31. He welcomed the references to maternity legislation by the Chairperson and Mr. Kolosov: UNICEF did not, of course, see implementation of the Code as the only way of promoting breast-feeding; maternity legislation also had a valuable role to play in that regard. The Innocenti Declaration had called on Governments to examine ways of implementing imaginative maternity-protection measures so as to create an environment in which working women could breast-feed their children if they so desired.

32. The purpose of the International Code was not to regulate the production of breast-milk substitutes or ban their availability in shops: it recognized that there was sometimes a genuine need for them. It sought rather, to reverse the trend whereby bottle-feeding, rather than breast-feeding, had come to be regarded as the norm, with serious implications for babies' health.

33. Ms. LHOTSKA (United Nations Children's Fund) said that the economic impact of milk substitutes was enormous, given the six-month minimum for that kind of feeding and the 40 half-kilo tins of the substitute that would be required. That posed an impossible financial burden, particularly in

developing countries and where a family had more than one child. Nevertheless, bottle-feeding was becoming more prevalent in both the rural and urban areas of many countries.

34. One positive aspect that had emerged was that, in some countries, a link could be seen between feeding methods and the education of the mother. In industrialized countries, the better educated she was, the more likely she was to choose to breast-feed her child. A similar trend was expected to emerge in developing countries in the future.

35. There was no reason why there should be a conflict of interest in terms of the father taking care of the child. There were many ways in which he could be involved with and bond with his child that did not necessarily have anything to do with feeding.

36. As things stood, research seemed to indicate that one in three children of an HIV-positive mother would contract the virus and that one in seven children would be infected through breast-feeding. The figure of a 50 per cent rate of infection mentioned by the Chairperson had not been verified.

37. Mr. KOLOSOV said that the Government of the Russian Federation had taken a keen interest in the Code in the context of efforts to revitalize the domestic production of milk substitutes. In Russia, every mother was given artificial milk products approximately two months after the birth of the child to supplement the milk she produced and provide additional nutrition that the mother was often unable to provide. The fact that mothers received the substitute milk free of charge explained why the State was eager to build up domestic production and reduce imports of artificial milk products.

38. Ms. LHOTSKA (United Nations Children's Fund) said that there was close cooperation with the Fund's partners in the Russian Federation. It was heartening to see that the Baby-friendly hospital initiative had been taken so seriously in Russia as part of ongoing international efforts to restore the confidence of women, including those in Central and Eastern Europe, in their ability to sustain breast-feeding for the recommended six-month period and in the quality of the milk they produced.

39. The CHAIRPERSON thanked the representatives of the United Nations Children's Fund for their answers to the questions put by members of the Committee.

The meeting was suspended at 4.25 p.m. and resumed at 4.40 p.m.

REVIEW OF DEVELOPMENTS RELEVANT TO THE WORK OF THE COMMITTEE (agenda item 5)

40. Mrs. SANTOS PAIS said that, at its fifty-first session, the United Nations General Assembly had adopted an omnibus resolution on the protection and promotion of the rights of children. It was the longest text ever adopted on one particular item in the field of human rights, had been sponsored by 130 delegations and had been adopted by acclamation. Its several chapters dealt with a variety of issues including the role of the Convention and the Committee.

41. The section on the protection of children affected by armed conflict welcomed the report of the expert of the Secretary-General on the impact of armed conflict on children - which the Committee should make every effort to follow up - and recommended the appointment of a special representative to look at the impact on children during his or her three-year mandate.

42. The resolution also looked at the question of refugees and internally displaced persons, and the sale of children and their sexual exploitation, including child prostitution and child pornography. The latter chapter, coming on the heels of the World Congress against Commercial Sexual Exploitation of Children held at Stockholm in August 1996, was particularly welcome and based its approach largely on the provisions of the Convention.

43. In its section on child labour, the resolution stressed the need for Governments to enact the legislation necessary to implement obligations under the Convention and to cooperate with the United Nations Children's Fund (UNICEF) and International Labour Organization (ILO) initiatives on the eradication of all forms of child labour.

44. UNICEF's report State of the World's Children 1997 dealt thoroughly with the question of child labour and recommended steps to ensure compulsory, free and universal primary education for all children as a way of eradicating child labour, and advocated a range of other measures to ensure that children were not being surreptitiously or erroneously put to work. An ILO report, entitled Child Labour: Targeting the Intolerable, covered similar ground but highlighted positive worldwide trends against child labour and the recognition by many Governments of the existing problem. Even corporations, usually guided only by the profit motive, were beginning to take a more ethical approach to the products they manufactured and sold.

45. A general comment on participation in civil and political rights had been adopted by the Human Rights Committee in 1996. Although the minimum voting age was 18 years in most of the States that reported to that Committee, it was not always the case. In many countries, efforts to implement the Convention included procedures whereby elections by children on the rights of children had been held, thus providing for early experience of the voting process and involvement in issues that concerned them.

46. She herself and Mr. Kolosov had visited Bern, Switzerland, to take part in a meeting designed to prepare the ground for Switzerland's ratification of the Convention. They had encouraged those present not to enter reservations to the Convention. She had attended, with representatives of the Centre for Human Rights, a training course on the Convention for government officials, which was held at Turin, Italy.

47. In the regional context, the European Parliament had adopted two important resolutions on children's rights. Reference had been made, inter alia, to the need to protect children from economic victimization, eliminate the sexual exploitation of children and establish independent institutions, of the ombudsperson type, in European countries.

48. Mr. KOLOSOV said that it was most regrettable that only half the members of the Committee were present. It might have been better to have deferred

consideration of the agenda item until more of them had arrived. At the concluding press conference, the meeting described by Mrs. Santos Pais might, perhaps, be linked to the omnibus resolution of the General Assembly in order to gain media attention. It was also regrettable that so few representatives of NGOs were present. However, the statement by Mrs. Santos Pais would be reflected in the Committee's records.

49. He would like to know which delegations had been the moving force behind the omnibus resolution. If, in the future, the Committee had such information in advance, it might be possible for its members to contact the delegations concerned to advise on important points to be made in such a resolution.

50. The CHAIRPERSON said that she, too, regretted that so few members of the Committee were present. It had not been possible to schedule the agenda item for later in the session. However, if an opportunity arose, the Committee could return to the item for the benefit of the absent members. Many NGO representatives had told her of the difficulty they had in attending all the Committee's meetings, but stressed that they did try to attend whenever possible.

51. Mrs. KARP said that she would like to raise the question of cooperation with other human rights treaty bodies, in particular the Committee on Economic, Social and Cultural Rights. She had just read the Limburg Principles, which provided guidance for the implementation of that Committee's Convention. The Limburg Principles had been formulated before the adoption of the Convention on the Rights of the Child and said nothing about the economic, social and cultural rights of children. It might be possible to suggest, at the meeting of the chairpersons of the human rights committees, that the parts of the Convention on Economic, Social and Cultural Rights dealing with the rights of children should be linked to the main Convention on the subject.

52. Mrs. SANTOS PAIS said that she agreed with Mr. Kolosov that contacts should be established with delegations. The first draft of the omnibus resolution had been negotiated by the countries members of the Latin American Group and the European Union. Additional material had then been contributed by African and other countries, so that the negotiations had become very wide, even involving the few countries that had not yet ratified the Convention.

53. She also agreed with Mrs. Karp that another attempt should be made to establish contacts with other human rights treaty bodies. The Limburg Principles were not an official United Nations document and there was no reason why the Committee on Economic, Social and Cultural Rights should not have more to say about children's rights. It might be possible to arrange for sessions of the two Committees to overlap by a few days so that informal joint meetings could be held. That recommendation might be made, yet again, in the Committee's report.

54. The CHAIRPERSON said that the Committee had already suggested to the Secretariat that it should arrange for sessions to overlap. That had been the case on one occasion. The recommendation should certainly be repeated in the report.

55. Mr. KOLOSOV said that, although the issue was a difficult one, because of financial constraints, it would be very useful if one of the Committee's sessions could be held in New York.

56. The CHAIRPERSON said that, if the Committee kept pressing the suggestion, the means for holding such a session might be found. The Committee on the Elimination of Discrimination against Women was currently in session in New York. It might be possible for the Committee to meet there at the same time of year. That recommendation should also be made in the report.

57. She herself and Mrs. Badran had attended a meeting organized in December by the United Nations Fund for Population Activities (UNFPA), which had comprised representatives of the six treaty bodies, of United Nations bodies and of some international NGOs. The topic had been women's right to health, and especially their right to reproductive and sexual hygiene.

58. It was the first time that representatives of the six treaty bodies had met under the auspices of a United Nations organ to discuss a topic of common interest. They had reviewed each other's working methods and the arrangements each of them had made to implement the recommendations of the International Conference on Population and Development and the Fourth World Conference on Women.

59. While the Secretariat intended to provide the members of the Committee with a summary of the meeting's conclusions, she wished to draw attention to two of its most important recommendations, namely, that such meetings should become regular events and that "thematic days" should be held at the annual meetings of the chairpersons of the six treaty bodies. The first such meeting would be devoted to the question of AIDS with a view to establishing common programmes.

60. UNICEF had also organized meetings with herself and the chairperson of the Committee on the Elimination of Discrimination against Women. They had been very encouraged by the positive attitude of the Executive Director of UNICEF, who had requested the UNICEF unit concerned with children's rights to make concrete suggestions for joint activities in the future.

61. The two chairpersons had subsequently attended a press conference for government delegations, United Nations bodies and NGOs. The exchanges had been very interesting, and it was clear that many NGOs were willing to contribute to the work of the two Committees especially by supplying information on their own field activities. The government delegations, which had also been very encouraging, had themselves raised the question of increasing the membership of the Committee on the Rights of the Child. She had, consequently, suggested that the Centre for Human Rights should, at the forthcoming meeting of the States parties, raise the matter once again.

62. There had also been a meeting to celebrate the fiftieth anniversary of UNICEF, at which the Secretary-General had commended UNICEF and the Committee on their work and had encouraged them to continue their efforts.

63. A meeting on the follow-up to the World Congress against Commercial Sexual Exploitation of Children had discussed the proposal by the

High Commissioner for Human Rights to establish some kind of expert group on the sale of children, child prostitution and child pornography, since the Special Rapporteur on the topic was experiencing great difficulties in carrying out his mandate. The meeting had also provided an opportunity to discuss with representatives of NGOs having specific field programmes connected with the topic ways in which they could support the Special Rapporteur. She herself had given an account of what the Committee had done at its last session to follow up the recommendations of the World Congress.

64. Members of the Committee had taken part in a field mission to Morocco and Egypt, and a closed meeting would be held later in the session to discuss the follow-up to that mission. Perhaps the most valuable meeting during the mission had been one on the rights of women and girls, the conclusions of which would be communicated to all the members of the Committee.

65. The President of the Egyptian parliament, who was also President of the Inter-Parliamentary Union, had addressed the meeting and had expressed his willingness to help. That was very important in view of the Committee's desire that parliaments should take a closer interest in children's affairs. It was to be hoped that he would convey the message to the Inter-Parliamentary Union, and that practical action would result.

66. Mrs. EUFEMIO said that she herself and Miss Mason had attended a four-day meeting for Asian countries on "monitoring and reporting". They had introduced the topic on the basis of the Committee's guidelines, and the meeting had then broken up into smaller groups to simulate the monitoring of a report. It was regrettable that few of the participants in the meeting had been members of their countries' delegations to the Committee.

67. The simulation had been a very interesting exercise, and the participants had benefited from criticizing a report as if they were members of the Committee. It had been suggested, however, that it would be more useful if the members of the Committee were to visit individual countries to meet the officials responsible for monitoring the rights of the child. She tended to agree, but such an approach would, of course, be more costly and time-consuming. The Committee might do more to encourage such practical meetings since they improved the participants' understanding of the Convention.

The meeting rose at 5.30 p.m.